

REMARKS

Claims 1 and 3 through 14 are pending in this application. Applicant notes with appreciation the fact that the Office Action (Action) states that claim 3 would be allowable if rewritten in independent form. However, for at least the reasons set forth below, Applicant respectfully submits that all of the pending claims are patentably distinguishable over the cited art.

Applicant also appreciates the time and insight provided by Examiner Eloshway during the telephonic interview conducted on March 9, 2004. As agreed upon during the interview with Examiner Eloshway, claims 1, 13 and 14 have been amended to define an invention that is not anticipated in view of the cited prior art, namely an easy open, reusable closure apparatus having a cap portion with a radially inwardly extending peripheral lip that engages an entire circumference of the bead undercut sealably securing the closure to the container. Support for the amendment can be found at least in Figures 1 and 2 of the present patent application.

Claims 1 and 4 through 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,927,796 to Whitehouse.

Whitehouse discloses a closure, or as is clearly depicted in Figures 1-6, a dust cover, for a conventional pressurized aerosol container. To secure the dust cover to the container, two diametrically opposed lips extend radially inwardly from a lower edge portion of the closure to engage an annular slot on the container. A manually actuatable tab is provided for freeing the closure from the container. The tab is connected to the lower edge portion of the closure by a flexible hinge. To remove the dust cover from the container, downward movement of the tab is applied, which releases the diametrically opposed lips from the annular slot.

Claim 1 recites an easy open, reusable, removable closure apparatus for a container. The container has a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The closure apparatus has a cap portion having a top, a peripherally depending side wall comprising an inner surface that

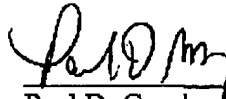
conforms to the bead outer surface and a radially inwardly extending peripheral lip that engages the entire circumference of the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The cap portion has a handle depending from the cap portion. The handle has a fulcrum portion that abuts an outer surface of the container neck.

Claim 13 recites a method of opening a container using the easy open, reusable, removable closure apparatus for a container having a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The reusable closure apparatus comprises a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the entire circumference of the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The closure apparatus also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The fulcrum portion abuts an outer surface of the container neck. The method comprises the steps of holding the container and the lower handle portion of the handle with at least one hand and depressing the lower handle portion toward the container until the peripheral lip disengages the bead undercut.

Claim 14 recites a method of reusing the easy open, reusable, removable closure apparatus for a container having a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The reusable closure apparatus comprises a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the entire circumference of the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The reusable closure also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The fulcrum portion abuts an outer surface of the container neck. The method of reusing the reusable closure apparatus comprises the steps of providing a container and pressing the cap portion of the easy

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